APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,250	06/09/2006	Fabio Bellifemine	09952.0041	1305

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EXAMINER
PIERRE LOUIS, ANDRE

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
12/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/582,250	BELLIFEMINE ET AL.
	Examiner	Art Unit	
	ANDRE PIERRE LOUIS	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 September 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>22-42</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>22-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>15 September 2009</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 9/15/2009 has been received and fully considered.

Claims 1-21 remain cancelled and claims 22-42 are presented for examination.

2.   With regards to the drawings' objection, the Examiner withdraws the objection in view of
the amendment.

3.   With regards to the claims' objection, the Examiner withdraws the objection in view of
the amendment.

4.   Regarding the rejection under 35 USC 101, the Examiner withdraws the rejection in view
of the amendment.

Response to Arguments

5.   Applicant's arguments filed 9/15/2009 have been fully considered but they are not
persuasive.

        5.1   Applicant argues that "server," *Risan does not teach a server "providing the user
modeling functionality," which includes starting "an inference algorithm" "in order to build the
user model associated to the given pseudonym" and specifically "calculate the preferences of the
user." Therefore, Risan does not disclose at least Applicant's claimed "user modeling server," as
recited in claim 22"*, the Examiner respectfully notes that Applicant is arguing more than the
claim requires, as Risan discloses a method for providing media content while preventing
unauthorized distribution *(see abstract)*, including a plurality of server connected via a network
(see fig.2). Risan continues to teach that server 251 of figure 2 provides various functionalities
within network 200 of fig.2 *(see further para 53-55, 98)*, while preventing unauthorized
distribution of media content with the network. The Examiner further notes that the claims have

been given the broadest reasonable interpretation in light of the specification and that the

Examiner does not add any special meanings to the claims. **Regarding** Applicant's argument

that *"As to Applicant's claimed "usage data," Risan does not teach "the collection of information*

about the user and providing inferential capabilities for the estimation of the user's skills and

preferences.., developed in the tutoring area e.g. by means of a learner modeling server

providing multiple (software) teaching agents with information about the user's knowledge",

Therefore, Risan also does not discloses at least Applicant's claimed "usage data", as recited in

claim 22" **Again,** <u>Applicant's argument is more specific tan the claim require,</u> as Risan provides

the teaching of providing regulation to data exchange between application in providing media

content while preventing unauthorized distribution of the content *(see abstract, para 53, 98, 309,*

just to name a few), as claimed.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

6.0   Claims 22-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Risan et al.

(USPG_PUB No. 2005/0060542).

6.1   In considering claims 22 and 32, Risan et al. teaches a method of providing user

modeling in media delivery networks, wherein a set of applications is adapted to exchange usage

data by means of at least one user modeling server, *comprising the step of*: associating with said

user modeling server a function for regulating exchange of usage data between any of a first application and a second application in said set, wherein said function defines: whether said usage data are provided by said first application to said second application, and a degree of trust acknowledged by said second application to the provided usage data *(fig.2, 7, para 53-55, 65-66,98, 160-63, 309)*.

  6.2 Regarding claims 23 and 33, Risan et al. teaches that wherein said usage data comprise: user data related to the registered users and their profiles *(fig.7, para 65-66, 89-91)*; and feedback data concerning the users' behavior *(fig.7, para 65-66, 89-91)*.

  6.3 With regards to claims 24 and 34, Risan et al. teaches the step of providing in said user modeling server: a first database containing the user data *(fig.4 (450), para 89-92)*; a second database comprising feedback data *(fig. 9151), para 89-92)*; and a third database containing rules for the exchange of usage data, said rules defining said function *(para 59-62, 89-92)*.

  6.4 As per claims 25 and 35, Risan et al. teaches the step of generating a prediction about preferences of a user in a specific domain by taking the user data associated with said user from the first database and the feedback data associated with said user from the second database and weighing said user data and said feedback data according to the rules contained in the third database *(fig.2-4, para 59-62, 65-68, and 89-92)*.

  6.5 With regards to claims 26 and 36, Risan et al. teaches that wherein said user modeling server further comprises a fourth database comprising data describing each application in said set *(fig.10, 13. para 262-65)*.

  6.6 Regarding claims 27 and 38, Risan et al. teaches that wherein said function is in the form of a bi-directional relationship and wherein any of said first and second applications is

configured for accepting, refusing or negotiating said relationship *(fig.7, 12, 16, and 18, para 89-92, 326, 331-36).*

      6.7   As per claim 28, Risan et al. teaches the steps of: valuating said usage data *(fig.4, para 92-96)*; and defining debit and credit values each said application in said set has in respect to usage data exchanged with other applications in said set *(para 65-67, 89-92, and 316).*

      6.8   With regards to claims 29 and 39, Risan et al. teaches that wherein said applications are associated with respective providers and wherein the method comprises the step of causing at least one of said providers to produce a list of other providers to which usage data are to be provided on the basis of said function *(fig.7, para 162-66).*

      6.9   Regarding claims 30 and 40, Risan et al. teaches that wherein said applications are associated with respective providers and wherein the method comprises the step of causing at least one of said providers to produce a list of providers from which information is to be acquired *(fig.7, para 162-66).*

      6.10   As per claim 31, Risan et al. teaches that wherein said usage data further comprise environment data related to the users' current location *(para 65-67, 187-88).*

      6.11   Regarding claim 37, Risan et al. teaches that wherein the user modeling component comprises: a set of user modeling modules, each user modeling module being associated with an application of said set and comprising the user data and the feedback data, wherein each modeling module is adapted to generate a prediction about preferences of said user *(fig.2-4, para 59-62, 65-68, and 89-92)*; and a merge component configured to merge the predictions about preferences from applications of said set and to weigh said predictions according to the rules contained in the third database *((fig.2-4, para 59-62, 65-68, and 89-92).*

6.12   With regards to claim 41, Risan et al. teaches the media delivery network

comprising a system according to claim 32 *(this claim inherits the same defect as claim 32)*.

6.13   Regarding claim 42, Risan et al. substantially teaches the computer readable

medium encoded computer program product loadable into a memory of at least one computer the

computer program product comprising software code portions performing the steps of the

method of claim 22 *(this claim inherits the same defect as claim 22; see further para 147, 294)*.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

7.1   Xie et al. (U.S. PGPUB No. 2007/0214207) teaches a method and system for

accurate issuance of data information.

8.   Claims 1-21 are cancelled; claims 22-42 are rejection and **THIS ACTION IS MADE**

FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ANDRE PIERRE LOUIS whose telephone number is (571)272-

8636. The examiner can normally be reached on Mon-Fri, 8:00AM-4:30PM.

         If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Paul L. Rodriguez can be reached on 571-272-3753. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

         Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. L/
Examiner, Art Unit 2123

December 20, 2009

                                   /Paul L Rodriguez/
                                   Supervisory Patent Examiner, Art Unit 2123